IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 5TH JULY 2006 / 14TH ASHADA 1928

Bail Appl..No. 3990 of 2006(R)

CMP.5901/2006 of J.M.F.C.-II,NEYYATTINKARA
CRIME NO.269/2006 OF PARASSALA POLICE STATION

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PETITIONER/IST ACCUSED.

RATHEESH @ KUTTAPPAN, S/O.KRISHNANKUTTY, KADAYARA PUTHEN VEEDU, NEAR MANCHAVILAKAM SCHOOL, MEKOLLA DESOM,KALLAYIL VILLAGE.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS: COMPLAINANT.

STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OFKERALA, ERNAKULAM, SUB INSPECTOR, PARASSALA POLICE STATION,

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 3990 of 2006

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Dated this the 5th day of July, 2006

O R D E R

The petitioner was driving a Tata Sumo Car on 07/05/2006 at 11 p.m. Because of his rash and negligent driving, it went and dashed against the compound wall of the house of the sister of the de facto complainant. Immediately, after the accident, the petitioner fled from the scene. Therefore, he could not be arrested. On inspection, 2 cans of 10 litres capacity, was found in the car. The examination of the same revealed that 20 litres of illicit arrack were inside it. Therefore, Parassala Police Station authorities registered Crime No. 269/2006 against the four accused, the petitioner being the first accused and his mother being the fourth accused. The accused 2 and 3 are the owners of the contraband article. Both these accused, accused Nos.2 and 3, are at large. Fourth accused, the mother of the petitioner had already been released on bail. The petitioner surrendered before the court below on 03/06/2006. He remains in judicial custody till now. There is no prayer that

he is required to be interrogated by the police. In such circumstances, I find that there is no need to keep the petitioner in continued judicial detention. Hence, I grant bail to the petitioner and release him from jail, subject to the following conditions:-

i. The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties each for the like sum, to the satisfaction of the J.F.C.M-II, Neyyattinkara.

ii. The petitioner shall report before the Investigating Officer, Parassala Police Station, once in a week on every Saturday, between 10 a.m and 11 a.m for a period of three months, starting from 08/07/2006.

(J.M.JAMES)
Judge

ms